ZB# 87-25

Andrew DiGiugno

78-4-12

#87-25 DiBuigno, Andrew - 5' fince on Prop. line

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Collect fee -25.00

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TOWN OF NEW WINDSOR 555 Union Avenue New Windsor, N. Y. 12550	g - June 23 19 87
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Williamson Law Book Co., Rochester, N. Y. 14609	Title Clesh

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NEW WINDSOR ZONING BOARD OF APPEALS

In the Matter of the Application of

DECISION DENYING VARIANCE FOR FENCE

ANDREW DI GIUGNO

#87-25.

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____X

WHEREAS, ANDREW DI GIUGNO, 55 Creamery Drive, New Windsor, N. Y. 12550, has made application before the Zoning Board of Appeals for permission to place a 5 ft. fence on property line a variation of Section 48-14C(1)- Supplemental Yard Regulations in an R-4 zone; and

WHEREAS, a public hearing was held on the 13th day of July, 1987 before the Zoning Board of Appeals at the Town Hall, New Windsor, New York; and

WHEREAS, the applicant appeared in behalf of himself; and

WHEREAS, the application was unopposed; and

WHEREAS, the Zoning Board of Appeals of the Town of New Windsor makes the following findings of fact in this matter:

- 1. The notice of public hearing was duly sent to residents and businesses as prescribed by law and published in The Sentinel, also as required by law.
- 2. The evidence shows that applicant is seeking to install a 5 ft. fence on property line of his residence at 55 Creamery Drive, New Windsor, N. Y.
- 3. The evidence presented by the applicant substantiated the fact that a 4 ft. fence in conformance with the regulations of Section 48-14C(1) of the Supplemental Yard Regulations would be sufficient to meet applicant's needs.

WHEREAS, the Zoning Board of Appeals makes the following findings of law in this matter:

- 1. The evidence shows that the applicant will not encounter practical difficulty if the variance requested is not granted because applicant is already allowed a 4 ft. fence on property line without seeking a variance.
- 2. The requested variance will result in substantial detriment to adjoining properties and change the character of the neighborhood.

NOW, THEREFORE, BE IT

RESOLVED, that the Zoning Board of Appeals of the Town of New Windsor DENY a variation of Section 48-14C(1) - Supplemental Yard Regulations for permission to install a 5 ft. fence on property line of applicant.

BE IT FURTHER,

RESOLVED, that the Secretary of the Zoning Board of Appeals of the Town of New Windsor transmit a copy of this decision to the Town Clerk, Town Planning Board and applicant.

Dated: August 10, 1987.

Chairman



TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK



July 14, 1987

Mr. Andrew DiGiugno 55 Creamery Drive New Windsor, N. Y. 12550

RE: APPLICATION FOR AREA VARIANCE #87-25

Dear Mr. DiGiugno:

This is to confirm that the Zoning Board of Appeals made a decision to deny the above application for a variance at the June 22, 1987 meeting.

Formal decision will be drafted at a later date and forwarded to you by return mail.

In the meantime, the Board has discussed your request dated June 25, 1987 for a revote with the attorney for the Board and he suggests that you reapply or revise your plans to conform to the bulk regulations. Please contact the Building Inspector at 565-8807 to start the process if you intend to reapply.

Very truly yours,

PATRICIA A. BARNHART

ia G. Bainhart

Secretary

/pab

Cc: Town Planning Board
Michael Babcock, B. I.

Town Building Inspector Babcock

Zoning Board Of Appeals Town of New Windsor

Dear Members,

I would like to request a review by the Zoning Board of Appeals, on my application, Appeal # 25, for variance to permit installation of 5ft. fence along property line.

On June 22, 1987, when the hearing took place, only four members of the Zoning Board were present. Under these circumstances I honestly feel, I was not given a proper hearing. Even when receiving a majority vote of three to one in favor, I was not notified or explained to that four votes in favor were needed for approval.

Thank you for your consideration in this matter, as I feel approval would be in the best interests of all those concerned in safety.

Andrew Di Giugno Jr.

Andrew Di Giugno Jr. 55 Creamery Drive.

New Windsor, New York 12550

Recid. 2819 1/13/81. Answer reasoly. V

TOWN OF NEW WINDSOR ORANGE COUNTY, N. Y. OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No	Date .	4/9	1987
TO andREW & SUC DIGILL GRA			
55 CREAMERY De	بالم	, -	
Mew Windson, M-4	/2530		
PLEASE TAKE NOTICE that your appl	lication dated	4/8	
for permit to Fristall 5 Foot	FENCE		•••••••••
at the premises located at 5.5 CREAME	RY DRIVE		••••••
is returned herewith and disapproved on the	following grounds:	•••••••••••••••••••••••••••••••	••••••
CAMMON PUL 5 FOOT FE		operfy Line	0
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John Tennegar Bollding Inspector Zening

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OFFICE OF ZONING - BUILDING INSPECTOR

NOTICE OF DISAPPROVAL OF BUILDING PERMIT APPLICATION

File No	Date 4/9 1987
TO andREW & SUC DIGILIGHO.	
55 CREAMERY Deide	
Mew Windson, My 125	52)
PLEASE TAKE NOTICE that your application d	ared 4/8 , 1987
for permit to Fristall 5 Foot Fe	MCC
at the premises located at 55 CREAMERY D	RIJE
is returned herewith and disapproved on the following	. ,
	Dening Inspector
	•
	All ZONING Sect

Na	me of Owner of Premises Androw & SuE Di Giugno JR.
Αċ	dress 55 CREamery DR. NewWindsor Phone 562-6816
Na	me of Architect
Αc	ldressPhone
Na	me of Contractor Sears + Rox huak & Co.
Ac	ldressPhone
	te whether applicant is owner, lessee, agent, architect, engineer or builder:
	(Name and title of corporate officer)
	On what street is property located? On theside of
	dfeet from the intersection of
	Zone or use district in which premises are situated
3.	Tax Map description of property: Section
4.	State existing use and occupancy of premises and intended use and occupancy of proposed construction:
	a. Existing use and occupancy
5.	Nature of work (check which applicable): New BuildingAdditionAlterationRepairRemoval
	DemolitionOther 5' chain Link fence.
6.	Size of lot: Front. 62. Rear. 1.3. Depth. 1.46 Front Yard Rear Yard Side Yard
	Is this a corner lot?
7.	Dimensions of entire new construction: Front. 40 Rear. 65. Depth. 5.6 Height. 5 Number of stories
8.	If dwelling, number of dwelling units Number of dwelling units on each floor
	Number of bedrooms. 3 Baths Toilets
	Heating Plant: Gas Oil Electric/Hot Air Hot Water
	If Garage, number of cars. 2
9.	If business, commercial or mixed occupancy, specify nature and extent of each type of use
••	51800.00
10.	Estimated cost 51,800

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

IMPORTANT

REQUIRED INSPECTIONS OF CONSTRUCTION — YOU MUST CALL FOR THESE

Other inspections will be made in most cases, but those listed below must be made or Certificate of Occupancy may be withheld. Do not mistake an unscheduled inspection for one of those listed below. Unless an inspection report is left on the job indicating approval of one of these inspections, it has not been approved, and it is improper to continue beyond that point in the work. Any disapproved work must be reinspected after correction.

A	idressPhone		
	tate whether applicant is owner, lessee, agent, architect, engineer or builder: f applicant is a corporation, signature of duly authorized officer.		
	(Name and title of corporate officer)		
1.	On what street is property located? On theside of		
an	dfeet from the intersection of		
2.	Zone or use district in which premises are situated		
3.	Tax Map description of property: Section7.8 Block		
4.	State existing use and occupancy of premises and intended use and occupancy of proposed construction:		
	a. Existing use and occupancy		
5.	Nature of work (check which applicable): New BuildingAdditionAlterationRepairRemoval		
	DemolitionOther 5' Chain Link fence.		
6.	Size of lot: Front. 62. Rear. 1.3. Depth. 146 Front Yard Rear Yard Side Yard		
	Is this a corner lot?		
7.	Dimensions of entire new construction: Front. 40 Rear. 6.5. Depth. 5.6 Height. 5 Number of stories		
8.	If dwelling, number of dwelling units Number of dwelling units on each floor		
	Number of bedrooms. 3 Baths Toilets		
	Heating Plant: Gas Oil Electric/Hot Air Hot Water		
	If Garage, number of cars. 2		
9.	If business, commercial or mixed occupancy, specify nature and extent of each type of use		
••	£ 1		
10	Estimated cost 1800 for Fee (to be paid on filing this application)		

Costs for the work described in the Application for Building Permit include the cost of all the construction and other work done in connection therewith, exclusive of the cost of the land. If final cost shall exceed estimated cost, an additional fee may be required before the issuance of Certificate of Occupancy.

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CALL ONE DAY AHEAD FOR ALL INSPECTIONS TO AVOID DELAYS - 565-8807

- 1-When excavating is complete and footing forms are in place (before pouring).
- 3—Inspect gravel base under concrete floors, and underslab Plumbing.
- 4-When framing is completed, and before it is covered from inside, and Plumbing rough-in.
- 5—Plumbing final & final. Have on hand Electrical Inspection Data per the Board of Fire Underwriters, and final certified plot plan. Building is to be complete at this time.
- 6-Driveway inspection must meet approval of town Highway Inspector.
- 7-\$20.00 charge for any site that calls for the same inspection twice.

TOWN OF NEW WINDSOR, ORANGE COUNTY, N. Y.

	•	•	
Examined	•••••	Office of Build	ing Inspector
Approved19.	•••••	Michael L. Babc	ock
Disapproved a/c	• • • • • •	Town Hall,555 Union Avenue New Windsor, New York 12550	
Permit No.	•••••	Telephone 565-8	
Refer —	A DDI ICATI	ON FOR BUILDING P	EDVIL
Planning Board		State Building Code and To	
Highway	rursuant to New Tork	State building Code and 10	wn Ordinances
Sewer		_ ,	
Water		Date	19
Zoning Board of Appeals			
	INSTRUCTIONS		
a. This application must be completely filled	in by typewriter or in ink	and submitted in duplicate to	the Building Inspector.
b. Plot plan showing location of lot and buil-	dings on premises, relation	iship to adjoining premises or	public streets or areas,
and giving a detailed description of layout of prop			
c. This application must be accompanied by sets of specifications. Plans and specifications shall to be used and installed and details of structural,	describe the nature of the	work to be performed, the n	tion and two complete naterials and equipment
d. The work covered by this application may			Permit.
e. Upon approval of this application, the Building Inspector will issue a Building Permit to the applicant together with approved set of plans and specifications. Such permit and approved plans and specifications shall be kept on the premises, available for inspection throughout the progress of the work.		icant together with ap-	
f. No building shall be occupied or used in whave been granted by the Building Inspector.	nole or in part for any pur	pose whatever until a Certifi	cate of Occupancy shall
APPLICATION IS HEREBY MADE to the Bullding Construction Code Ordinances of the To or for removal or demolition or use of property, a dinances, regulations and certifies that he is the owscribed in this application and if not the owner, to assume responsibility for the owner in connection (Signature of Applicant)	own of New Windsor for the service of the service of the service of all that central that he has been duly and with this application.	he construction of buildings, oplicant agrees to comply with train lot, piece or parcel of leproperly authorized to make	additions or alterations, 1 all applicable laws, or- and and/or building de-
(comments of tagparant)	PLOT PLAN	•	, , , , , , , , , , , , , , , , , , , ,
NOTE: Locate all buildings and indicate all se Applicant must indicate the building line or l			•
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Highway	Pursuant to New York State duilding Code and Lown	Oram need
Sewer	Date	19
Zoning Board of Appeals	INSTRUCTIONS	
a. This application must be completely filled	in by typewriter or in ink and submitted in duplicate to the	ne Building Inspector
b. Plot plan showing location of lot and buil	dings on premises, relationship to adjoining premises or p	ublic streets or areas,
	erty must be drawn on the diagram which is part of this two complete sets of plans showing proposed construction	
sets of specifications. Plans and specifications shall to be used and installed and details of structural,	describe the nature of the work to be performed, the mat mechanical and plumbing installations.	erials and equipment
· · · · · · · · · · · · · · · · · · ·	y not be commenced before the issuance of a Building Per	
proved set of plans and specifications. Such permi for inspection throughout the progress of the wor	ilding Inspector will issue a Building Permit to the applica t and approved plans and specifications shall be kept on the k.	he premises, available
f. No building shall be occupied or used in whave been granted by the Building Inspector.	hole or in part for any purpose whatever until a Certificat	te of Occupancy shall
Building Construction Code Ordinances of the To or for removal or demolition or use of property, dinances, regulations and certifies that he is the or		ditions or alterations, Il applicable laws, or- d and/or building de- nis application and to
(Signature of Applicant)	55 CReamery DR. Nec	of Applicant
(Signature of Applicant)		01 Applicant) /233 C
NOTE: Locate all buildings and indicate all s	PLOT PLAN	
Applicant must indicate the building line or	lines clearly and distinctly on the drawings.	•
	N	
		-
W	House // Reamery DR.	E
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Planning Loard.....

INTER-OFFICE CORRESPONDENCE

TO: TOWN PLANNING BOARD

TOWN BUILDING/ZONING INSPECTOR BABCOCK

FROM: ZONING BOARD OF APPEALS

SUBJECT: PUBLIC HEARINGS BEFORE THE ZBA - 6/22/87

DATE: June 16, 1987

Please be advised that the following public hearing will be heard before the Zoning Board of Appeals on the above date:

MOORE, KEVIN - AREA VARIANCE DI GIUGNO, ANDREW - FENCE SCIAMANNA, DINO - AREA VARIANCE RINALDI, JAMES - AREA VARIANCE

I have attached hereto copies of the pertinent application together with public hearing notice which were published in <a href="https://example.com/englished-nample-com/englishe

Patricia A. Barnhart, Secretary Zoning Board of Appeals

/pab

Attachments

TOWN OF NEW WINDSOR ZONING BOARD OF APPEALS

APPLICATION FOR VARIANCE OR SPECIAL PERMIT

87-25,

Date: 5-12-87

	(a)	(Name, address and phone of Applicant) (Owner)	. 12 5
	(b) (c)	(Name, address and phone of purchaser or lessee)	
	(d)	(Name, address and phone of attorney)	
	(u)	(Name, address and phone of broker)	
II.	App1	ication type:	
		Use Variance Sign Variance	
	X	Area Variance Special Permit	
II.	Prop (a)	erty Information: (Zone) (Address) (Zone) (Address) (S B L) (Lot size)	E.
	(b) (c)	What other zones lie within 500 ft.? //A Is a pending sale or lease subject to ZBA approval of this application? **\sigma** **Policy** (Address)** (2018)** (Address)** (Address)* (Address)** (Add	
	(d) (e) (f)	When was property purchased by present owner? Has property been subdivided previously? Has property been subject of variance or special permit	
	(g)	previously? <u>No</u> When? Has an Order to Remedy Violation been issued against the	
	(h)	property by the Zoning Inspector? No	
IV.	Ŭse (a)	Variance: Use Variance requested from New Windsor Zoning Local Law	
	(a)	Use Variance requested from New Windsor Zoning Local Law, Section, Table of Regs., Col, to allow: (Describe proposal)	

(b)	The legal standard for a "Use" variance is unnecessary hardship. Describe why you feel unnecessary hardship will result unless the use variance is granted. Also set forth any efforts you have made to alleviate the hardship other than this application.
	variance: Area variance requested from New Windsor Zoning Local Law, Section 48-14, Table of Regs., Col. Supplementary Land Redo. Proposed or Variance Requirements Min. Lot Area Min. Lot Width Reqd. Front Yd. Reqd. Side Yd. Reqd. Rear Yd. Reqd. Street Frontage* Max. Bldg. Hgt. Min. Floor Area* Dev. Coverage* % % % Floor Area Ratio**
	<pre>* Residential Districts only ** Non-residential districts only</pre>
(b)	The legal standard for an "AREA" variance is practical difficulty. Describe why you feel practical difficulty will result unless the area variance is granted. Also, set forth any efforts you have made to alleviate the difficulty other than this application. Rear of Property goes STRASSAT down a couple of Hundred Feet. There as Thorthe Children in area.
VI. Sign	Variance: (a) Variance requested from New Windsor Zoning Local Law, Section , Table of Regs., Col Proposed or Variance
	Sign 1 Sign 2 Sign 3 Sign 4 Sign 5
	Total sq.ft. sq.ft. sq.ft.

- Committee and september

	(b)	Describe in detail the sign(s) for which you seek a variance, and set forth your reasons for requiring extra or oversize signs.
	(c)	What is total area in square feet of all signs on premises including signs on windows, face of building, and freestanding signs?
VII.	À	dal Damid
VII.		ial Permit: Special Permit requested under New Windsor Zoning Local Law, Section, Table of Regs., Col
	(b)	Describe in detail the use and structures proposed for the special permit.
1/	/	
VIII.	(a)	ional comments: Describe any conditions or safeguards you offer to ensure that the quality of the zone and neighboring zones is maintained or upgraded and that the intent and spirit of the New Windsor Zoning Local Law is fostered. (Trees, landscaping, curbs, lighting, paving, fencing, screening, sign limitations, utilities, drainage.)
		Se plans attached.
		- Sa pranto a sia con a sia
IX.	Attac	Copy of letter of referral from Bldg./Zoning Inspector. Copy of tax map showing adjacent properties. Copy of contract of sale, lease or franchise agreement. Copy(ies) of site plan or survey showing the size and location of the lot, the location of all buildings, facilities, utilities, access drives, parking areas, trees, landscaping, fencing, screening, signs, curbs, paving and streets within 200 ft. of the lot. Note: Copy(ies) of sign(s) with dimensions.

THE SECTION OF THE PROPERTY OF

X. AFFIDAVIT

Date	doolor	
Date	5/28/87.	<u>.</u>

STATE OF NEW YORK)

COUNTY OF ORANGE)

Sworn to before me this

The undersigned Applicant, being duly sworn, deposes and states that the information, statements and representations contained in this application are true and accurate to the best of his knowledge or to the best of his information and belief. The applicant further understands and agrees that the Zoning Board of Appeals may take action to rescind any variance or permit granted if the conditions or situation presented herein are materially changed.

day of _______, 19____.

XI. ZBA Action:

(a) Public Hearing date______.

(b) Variance is ______.

Special Permit is _____.

(c) Conditions and safeguards:

A FORMAL DECISION WILL FOLLOW WHICH WILL BE ADOPTED BY RESOLUTION OF ZONING BOARD OF APPEALS.

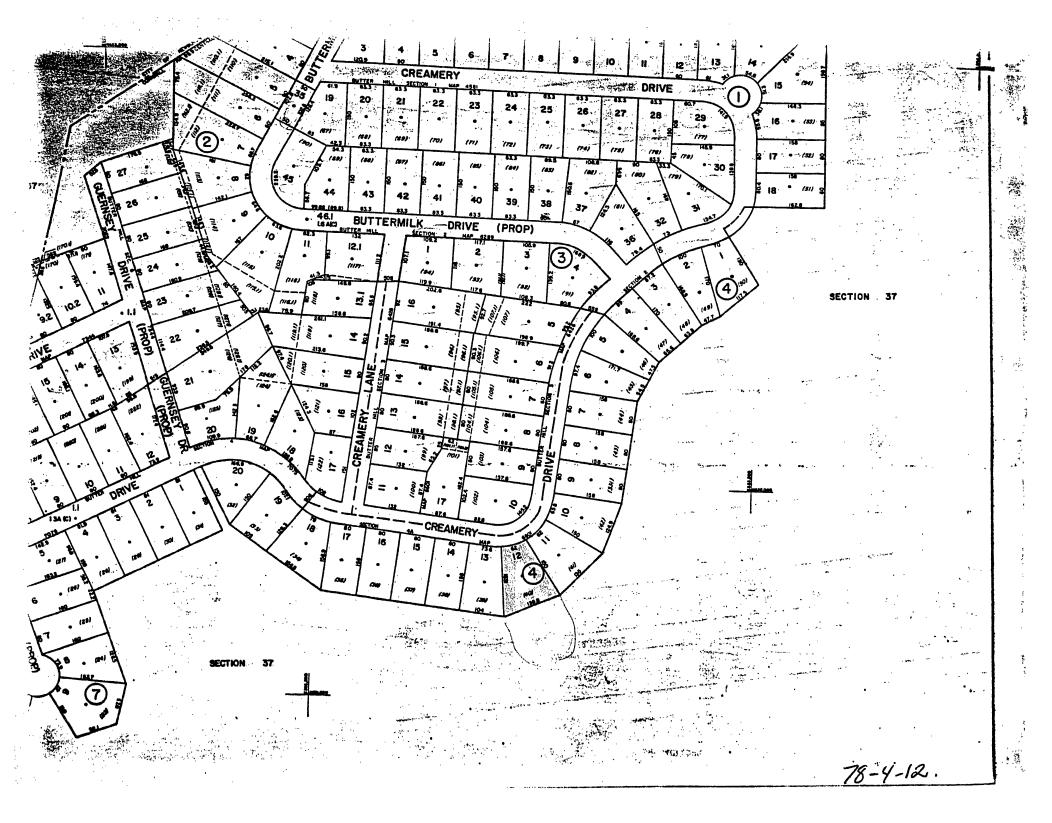
PUBLIC NOTICE OF HEARING BEFORE ZONING BOARD OF APPEALS TOWN OF NEW WINDSOR

PLEASE TAKE NOTICE that the Zoning Board of Appeals of the TOWN OF NEW WINDSOR, New York will hold a Public Hearing pursuant to Section 48-34A of the Zoning Local Law on the following proposition:

Appeal No. <u>35.</u>
Request of Andrew DiGiugno, Vr.
for a VARIANCE SPECIAL PERMIT of
the regulations of the Zoning Local Law to
permit installation of 5 ft. fence
along property line
being a VARIANCE SPECIAL PERMIT of
Section 48-14 C (1) Supplementary Yard Rigs
for property situated as follows:
55 Creamery Drive, New Windsor,
<i>n.y.</i>

SAID HEARING will take place on the And day of Lune, 1987, at the New Windsor Town Hall, 555 Union Avenue, New Windsor, N. Y. beginning at 7:30 o'clock P. M.

Vack Bahcock.
Chairman



Prelim: 5/11/87.



TOWN OF NEW WINDSOR

555 UNION AVENUE NEW WINDSOR, NEW YORK

May 26, 1987

Mr. & Mrs. Andrew DiGiugno 55 Creamery Dr. New Windsor, NY 12550

Re: 78-4-12 Variance List

Dear Mr. & Mrs. DiGiugno:

According to our records, the attached list of property owners are within five hundred (500) feet of the above mentioned property.

The charge for this service is \$55.00, minus your deposit of \$25.00. Please remit same to the Town Clerk, Town of New Windsor, NY.

Very truly yours.

CHRISTIAN E. JAHRLING, IAO

SOLE ASSESSOR

CEJ/cp Attachments Kinol, Ramon G. & Patricia A. 7 Cheddar Lane New Windsor, NY 12550

Bevins, Renay L. 9 Cheddar Lane New Windsor, NY 12550

Romano, Richard & Josephine 11 Cheddar Lane New Windsor, NY 12550

Patel, Rameshkant B. & Patel, Premdasi R. & Vasudev A. 52 Creamery Dr. New Windsor, NY 12550

Classey, Thomas & Carol F. 34 Creamery Dr. New Windsor, NY 12550

Riefenhauser, Eugene F. & Shirley A. 36 Creamery Dr. New Windsor, NY 12550

Graff, Charles & Lisa M. 38 Creamery Dr. New Windsor, NY 12550

Villanueva, Francisco C. & Edna 40 Creamery Dr. New Windsor, NY 12550

Eisele, Bruce G. & Eileen A. 42 Creamery Dr. New Windsor, NY 12550

Brown, Osmond & Chisholm, Mary J. 44 Creamery Dr. New Windsor, NY 12550

DeCelestino, Joseph R. & JoAnne 14 Cheddar Lane New Windsor, NY 12550

Harrison, Robert & Beatrice 12 Cheddar Lane New Windsor, NY 12550

Vecchio, Anthony & Virginia A. & Anthony J. Jr.
10 Cheddar Lane
New Windsor, NY 12550

Mellon, Brian H. & Catherine M. 8 Cheddar Lane New Windsor, NY 12550

Ambady, Ramachandran & Santha 6 Cheddar Lane New Windsor, NY 12550

Giannotti, Michael T. & Susanne 4 Cheddar Lane New Windsor, NY 12550

Alston, Lloyd & Priscilla 41 Creamery Dr. New Windsor, NY 12550

Zola, Thomas & Jeanne 43 Creamery Dr. New Windsor, NY 12550

West, Roy L. Sally G. 45 Creamery Dr. New Windsor, NY 12550

是我们是好事的感觉的是是我的人的人,是对人们的特别是是我的人们的一个时间的人们是一个人们的是一个人的人们的,也是一个人的人们的人们的一个人们的人们的人们的人们们的

Hourihan, Timothy & Irene 445 State St. Freemont, Michigan 49412

Bonometti, Robert J. 49 Creamery Dr. New Windsor, NY 12550

Gnall, James M. & Donna C. 51 Creamery Dr. New Windsor, NY 12550

Chmar, Andrew T. & Watkins, Gayle L. 53 Creamery Dr. New Windsor, NY 12550

Gilligan, Robert J. 57 Creamery Dr. New Windsor, NY 12550

Edgemont Industries Inc. 39 Pitcairn Dr. Roseland, NJ 07065

Duzink, Steffen & Lynn 61 Creamery Dr. New Windsor, NY 12550

Sundby, David A. & Candace B. 63 Creamery Dr. New Windsor, NY 12550 Taguis. Syed M. & Bilquis 65 Creamery Dr. New Windsor, NY 12550

Khandelwal Bimal K. & Anjali 65 Creamery Dr. New Windsor, NY 12550

Cutro, Gary J. & Claudia B. 69 Creamery Dr. New Windsor, NY 12550

Estate of Patrick O'Rourke R.D. 4,Box 779 Forge Hill Road New Windsor, NY 12550

SanGiacomo Co. of Orange NJ Suite #360 300 Executive Dr. West Orange, NJ 07052

Town of New Windsor 555 Union Ave. New Windsor, NY 12550